



COPY OF PAPERS
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Funda et al.

Date: June 14, 2002

Serial No.: 09/595,186

Group Art Unit: 3737

Filed: June 16, 2000

Examiner: None Assigned

SYSTEM AND METHOD FOR AUGMENTATION OF ENDOSCOPIC SURGERY

The Commissioner of Patents and Trademarks
Washington, D.C. 20231

PETITION TO REVIVE UNDER 37 C.F.R. 1.137(b)

Sir:

In response to the Notice of Abandonment (Abandonment Notice), mail dated May 6, 2002, confirmation number 6794, the Applicants respectfully request that their Application for Letters Patent (Application), captioned above, be revived. The Abandonment Notice was sent because "no reply was received" in response to a Notice to File Missing Parts of Nonprovisional Applications (Missing Parts Notice) mailed on September 1, 2000, copy attached.

24/2002 AWONDAF1 00000032 090468 09595186

FC:141 1280.00 CH

REMARKS

The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to paragraph 1.137 (b) was unintentional.

YO992-080US5

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09/595,186

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The Missing Parts Notice required the basic statutory fee, currently \$710, and a late filing fee of \$130.

The Applicants maintain that no terminal disclaimer is required under 37 CFR 1.137(d) because the present application was filed after June 8, 1995.

A petition to revive fee set forth under section 1.17(m) is authorized to be charged to Deposit Account Number 09-0468.

The fees required by the Missing Parts Notice also are authorized to be charged to this Deposit Account.

The Applicants request reconsideration and allowance of the claims of the present application, as filed.

Although no other fees are thought to be due, any other necessary and appropriate fee needed to further prosecute this Application, except the issue fee, is authorized to be charged to this Deposit Account. The Examiner is invited to call the Applicant('s) attorney at the below telephone number for an interview that might help in the prosecution of this Application.

Respectfully submitted,

By: 

Louis J. Percello - Attorney
Registration Number 33,206

IBM Corporation
Intellectual Property Law Department
P.O. Box 218
Yorktown Heights, N.Y. 10598

(914) 945-3145 phone
(914) 945-3281 facsimile

Internet address: Percello@US.IBM.com



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Funda, et al.

Serial No.: 09/595,186

Examiner: None Assigned

Filed: June 16, 2000

Group Art: 3737

For: **SYSTEM AND METHOD FOR AUGMENTATION OF
ENDOSCOPIC SURGERY**

Assistant Commissioner for Patents
Washington, D. C. 20231

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

I hereby certify that the attached correspondence comprising:

1. Acknowledgment Postcard
2. Petition to Revive Under 37 C.F.R. 1.137(b)
3. Notice of Abandonment Under 37 CFR 1.53 (f) or (g)
4. Notice to File Missing Parts of NonProvisional Application

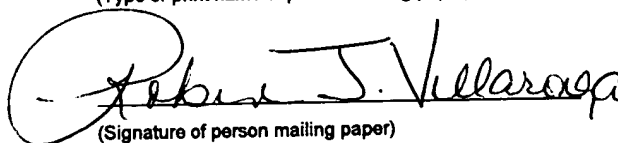
is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

*Assistant Commissioner for Patents
Washington, D.C. 20231*

on June 14, 2002.

ROBIN J. VILLARONGA

(Type or print name of person mailing paper)


(Signature of person mailing paper)

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Docket No.: YOR919920080US5

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UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/595,186	06/16/2000	Janez Funda	Y0992-080B

IBM Corporation
PO Box 218
Yorktown Heights, NY 10598

LJP

TTC



FORMALITIES LETTER



OC000000005372928

Date Mailed: 09/01/2000

Due 11/1/00

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 690 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 820.

A copy of this notice MUST be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

703 SEP 03 11:53
LAW DEPT.
IBM

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/595,186	06/16/2000	Janez Funda	Y0992-080D

WIP
IBM Corporation
PO Box 218
Yorktown Heights, NY 10598



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CONFIRMATION NO. 6794
US5
ABANDONMENT/TERMINATION
LETTER



OC000000008029909

Date Mailed: 05/06/2002

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 09/01/2000.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

*A copy of this notice **MUST** be returned with the reply.*

R. Roub

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

06/24/2002 AWONDAF1 00000032 090468 09595186

01 FC:101 740.00 CH
02 FC:105 130.00 CH

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